IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

AS.No. 456 of 1995(C)

OS.202/1988 of I ADDL. DISTRICT COURT, TRIVANDRUM

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APPELLANT: DEFENDANTS 1, 12 AND 13.

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1. K.P.SASIKUMARAN NAIR, T.C.28/1290, PADMANIKETHAN, KUNNUMPURAM, THIRUVANANTHAPURAM, REP. BY HIS POWER OF ATTORNEY HOLDER P.A.ANANDAVALLY AMMA, T.C.28/129, KUNNUMPURATH, VANCHIYOOR, THIRUVANANTHAPURAM.

2. NANUKUTTAN NAIR, T.C.16/465, JAGATHY ROAD, EDAPAZHANJI, ANCHAMADA VILLAGE.

3. RAJAGOPALAN NAIR, SURESH BHAVAN, KAIMANAM, PAPPANAMCODE, NEMOM VILLAGE.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR
SRI.P.A.AHAMMED

RESPONDENTS: PLAINTIFFS & DEFENDANTS 2 TO 11

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1. K.P.AMBIKA, PADMANIKETHAN, KUNNUMPURAM, THIRUVANANTHAPURAM, NOW RESIDING AT BHEL QUARTER NO.82 N-2E SECTOR, BURKERA, BHOPAL, MADHYAPRADESH.

2. APPUKUTTHAN, RETD. POLICE CONSTABLE, T.C.29/1180 KRISHNAVILASOM, SREEKANTESWARAM WARD, VANCHIYOOR, THIRUVANANTHAPURAM.

3. K.P.PADMAJA ALIAS PADMAVATHY AMMA, PADMAJA NIVAS, PULPALLY, WYNAD, KERALA.

4. PUSHKLA OF DO.

5. SUBHADRA OF DO.

6. MURALI OF DO.

7. GOPAN OF DO.

8. KUTTAN OF DO.

9. ANITHA, STUDENT, BEHL, QUARTER NO.82-N-2E SECTOR BRUKERA, BHOPAL, MADHYAPRADESH.

10. SABITHA, OF DO.

11. K.VELAPPAN, VALSA VILLA, T.C.28/432 VANCHIYOOR P.O., THIRUVANANTHAPURAM.

* 12. LEKSHMIKUTTY, T.C.28/1290, PADMANIKETHAN, KUNNUMPURAM, PATHRIKARI MURI, VANCHIYOOR, NOW RESIDING AT HOUSE NO.28, 'SAI KRIPA', R B I COLONY, MADRAS.

(R12 DELETED FROM THE PARTY ARRAY AT THE RISK OF THE PETITIONER VIDE ORDER DATED 28.3.2007 IN I.A.959/2007)

BY ADV. SRI.P.S.RAMESH KUMAR
SRI.T.K.ABRAHAM
SMT.ACHA RANO MATHEWS.T.

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD ON 11/07/2007, ALONG WITH AS NO.701 OF 1995, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

A.S.Nos.456 & 701 of 1995

Dated this the 11th July, 2007.

J U D G M E N T

When these appeals came up for hearing, the learned counsel appearing on either side, submits that the matter has been settled out of Court. Parties have filed a compromise petition also, with a prayer to dispose of the appeals in accordance with the terms and conditions set out in the compromise petition. The suit was one for partition. A preliminary decree was passed.

2. As per the terms of compromise, the plaintiffs have relinquished some of their rights in favour of the first defendant, respondent. Therefore, the preliminary decree passed by the court below is hereby set aside, and the suit is disposed of in terms of the compromise entered into by the parties. However, it is made clear that the terms of compromise will form part of the decree.

C.M.P.No.3515/1995 in A.S.No.456/1995 shall stand dismissed.

K.PADMANABHAN NAIR,
JUDGE

nj.

K.PADMANABHAN NAIR, J.

A.S.Nos.456 & 701 of 1995

J U D G M E N T

Dated: 11th July, 2007.